

Working with VA as part of broader effort to address homelessness in advance of November 10 report

November 8, 2009

MEDIA, PA – As we approach Veterans Day and our newest Veterans return from Iraq and Afghanistan with increasing instances of brain injuries and stress disorders, Congressman Joe Sestak (PA-07) wrote to the Secretary of Veterans Affairs, General Eric Shinseki, to address how our legal and medical systems can better collaborate to support those Veterans who may find themselves incarcerated as a result of service-related injuries and impairments.

“As someone who witnessed the injustice done to so many of our Vietnam Veterans, I am determined to see that our newest Veterans receive the full benefit of the overdue resources the 110th and 111th Congress have made available to them. Consider the fact that in 1998, an estimated 56,500 Vietnam War-era Veterans and 18,500 Persian Gulf War-era Veterans were held in State and Federal prisons and the need for action is long overdue,” said Congressman Sestak. “I commend The Honorable Seamus P. McCaffery, Pennsylvania Supreme Court Justice, for the work he is doing to create ‘Veterans Courts’ in the Commonwealth of Pennsylvania. For too long our state and national jurists have been content to lock up Veterans rather than afford them the opportunity to have their conditions fully diagnosed and treated—possibly preventing their incarceration altogether. Unfortunately, as a result of inaction, we have had extraordinary numbers of Vietnam-era Vets incarcerated and following their incarceration they have often ended up homeless.

“I am advocating for a seamless transition in which VA doctors communicate with the physicians at the local, state, and federal level charged with providing medical care to prisoners and ensure Veterans receive the treatment they require. Failure is not an option. We will not leave our comrades behind on the battlefield. We cannot leave them alone in prison until we have made every effort to help them become well and whole again.”

Congressman Sestak’s views are confirmed by 2004 Department of Justice statistics which indicated at that time 140,000 Veterans were incarcerated in state and federal prisons. Forty-six percent of Veterans in federal prison and 15 percent of Veterans in state prison were there for drug violations. Sixty-one percent of incarcerated Veterans met the DSM-IV criteria for substance dependence or abuse. Distressingly, more than half of Veterans in federal state

prisons served during wartime. Today there are an estimated 2.2 million incarcerated Americans and unofficial estimates are that at least 10 percent of those in prison are Veterans.

“I am a strong supporter of President Obama’s plan to end homelessness among Veterans in five years,” said Congressman Sestak. “However, we will not meet that very worthy goal unless we make some changes in the way we treat Veterans when they find themselves before the law. To that end I have written to General Shinseki to propose a way ahead on adjusting VA policies and authorities to better support the medical needs of incarcerated Veterans. I am not defending criminal behavior of any kind. I do believe, however, that those who volunteer to defend our nation and become disabled in our service, particularly with PTSD and TBI need to be provided with the care appropriate to their injuries. I was very pleased with the Secretary’s quick response to my letter and on Friday our staffs discussed what must be done next to address this issue through the legislative process. My Legislative Director is fully engaged and I will have a draft prepared.”

The Congressman’s efforts will complement a VA brief which will be released on November 10th - one day before Veterans’ Day – detailing changes in homelessness among Veterans since 2005. The update will also highlight federal programs available and policy changes needed to prevent and end homelessness among veterans. (<http://www.endhomelessness.org/content/article/detail/2540/>)

“In a nation with 23.5 million Veterans and only 7 million enrolled in the VA Medical system we know we have Veterans suffering from a wide range of mental illnesses that should have been diagnosed and treated by the VA – ideally before the Veteran found himself or herself incarcerated or homeless. We must reverse the unacceptable actions of 2003 that locked so many Vets out of the VA medical system and create a seamless transition from our military medical system to the VA’s.

“We must better understand this problem and work aggressively to fix it. As Jim McGuire of the VA wrote in Closing a Front Door to Homelessness among Veterans, ‘Considering the attention that the relationship between incarceration and homelessness has received, it is surprising how little research exists that looks at inmates re-entering communities and the subsequent rates of homelessness. The only published work on this subject examined the post-prison experience of released New York State prison inmates, finding that 11.4 percent had a homeless shelter episode within 2 years of release (Metraux and Culhane 2004).’

“With over two million incarcerated Americans of which an unofficial estimate indicates that over 10 percent are Veterans, it is clear that if we can address the incarceration issue we can reduce homelessness and if we can better diagnose and treat the conditions that contribute to incarceration, we can do an enormous service to Veterans, their families and our communities. We have the means; all we lack is the will and the ways.

“Simply stated we must do more to help ensure that those who specialize in treating service-related illnesses can help rehabilitate our Veterans who suffer from these illnesses before they are incarcerated. Or, if they are, to see that throughout their incarceration there is a continuity of care that will stop their spiral of anti-social or criminal behavior.”

Text of Congressman Joe Sestak’s letter to Secretary Gen. Eric Shinseki is below:

The Honorable Eric K. Shinseki
Secretary
United States Department of Veterans Affairs
810 Vermont Avenue NW
Washington, DC 20420-0002

Dear General Shinseki,

I am writing to request you review a particular aspect of VA medical care. Specifically, I am concerned that service-connected disabled Veterans or Veterans not enrolled in the VA medical system, when incarcerated, are likely to suffer significantly reduced levels of care that could ultimately cause them significant harm.

As you know, the Department of Veterans Affairs is not currently required to provide health-care to any Veteran who is an inmate in an institution of another government agency when that agency has a duty to give the care or services. However, as I have observed that policy in execution, a service-connected disabled Veteran who is incarcerated may never benefit from even an initial collaboration between his VA care-giver and the care-giver at his or her correctional facility.

I am not defending criminal behavior of any kind. I do believe that those who volunteer to defend our nation and become disabled in our service, particularly with PTSD and TBI need to be provided with the care appropriate to their injuries. At present we have a seam in the administration of care for those Veterans should they be incarcerated.

I am not advocating for the entry of VA doctors in to the penal system. Rather, for a seamless transition in which VA doctors communicate with the physicians at the local, state, and federal level charged with providing medical care to prisoners what types of treatment the Veterans in question require.

I am prepared to discuss a review of this policy with your staff and the Department of Justice to determine an appropriate way ahead. If legislation is necessary, I will introduce it immediately.

As always, thank you for your service to our nation and our fellow Veterans.

Sincerely,

Joe Sestak
Member of Congress

Born and raised in Delaware County, former 3-star Admiral Joe Sestak served in the Navy for 31 years and now serves as the Representative from the 7th District of Pennsylvania. He led a series of operational commands at sea, including Commander of an aircraft carrier battle group of 30 U.S. and allied ships with over 15,000 sailors and 100 aircraft that conducted operations in Afghanistan and Iraq. After 9/11, the Congressman was the first Director of Deep Blue, the Navy's anti-terrorism unit that established strategic and operations policies for the Global War on Terrorism. He served as President Clintons Director for Defense Policy at the National Security Council in the White House, and holds a Ph.D. in Political Economy and Government from Harvard University. According to the office of the House Historian, Congressman Sestak is the highest-ranking former military officer ever elected to the U.S. Congress.